

**EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET**

**PROJECT TITLE:**

AN ORDINANCE  
Establishing Zoning for the  
Smith Island Municipal  
Annexation Area, amending  
Exhibit A to Ordinance No.  
1671-89 (as amended)

_____	Briefing
_____	Consent
<u>8/10/16</u>	Action
<u>7/27/16</u>	First Reading
<u>8/3/16</u>	Second Reading
<u>8/10/16</u>	Third Reading
<u>8/10/16</u>	Public Hearing

COUNCIL BILL #  
Originating Dept.  
Contact Person  
Phone Number  
FOR AGENDA OF

**CB1607-32**  
Planning  
Allan Giffen  
425-257-8725  
July 27, 2016

Initialed by:  
Department Head  
CAA  
Council President

db

<b><u>Location</u></b>	<b><u>Preceding Action</u></b>	<b><u>Attachments</u></b>	<b><u>Department(s) Approval</u></b>
Smith Island, west of Union Slough, south of 12 <sup>th</sup> Street	Planning Commission Hearing and Recommendation on 8/4/2015	Ordinance	Legal, Planning

Amount Budgeted	N/A	
Expenditure Required	N/A	
Budget Remaining	N/A	
Additional Required	N/A	

**DETAILED SUMMARY STATEMENT:**

The current Comprehensive Land Use designation for the Smith Island Municipal Annexation area is 2.8 (Public/Quasi-Public Facilities).

Planning Commission has recommended the implementing zone be set at A-1 RFFD (Agriculture Rural Flood Fringe District) consistent with the City's adjoining Water Pollution Control Facility property.

**RECOMMENDATION (Exact action requested of Council):**

Adopt an Ordinance Establishing Zoning for the Smith Island Municipal Annexation Area, amending Exhibit A to Ordinance No. 1671-89 (as amended).

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE Establishing Zoning for the Smith Island Municipal Annexation Area,  
amending Exhibit A to Ordinance No. 1671-89 (as amended)**

**WHEREAS**, the City of Everett is provided authority to annex contiguous unincorporated territory pursuant to RCW 35.13.180; and

**WHEREAS**, in 2012 a SEPA review was completed and a Determination of Nonsignificance No. 11-047 was issued that addressed a Comprehensive Plan designation of 2.8: Public/Quasi-Public Facilities and A-1 Agriculture zoning for the proposed Smith Island Annexation Area, an approximate 27.35 acre area owned by the City and located along Union Slough and adjoining other City-owned properties to the east; and

**WHEREAS**, on August 1, 2012, City Council passed Ordinance 3288-12 adopting the 2.8: Public/Quasi-Public Facilities designation for the subject property consistent with the designations for other City-owned properties to the west; and

**WHEREAS**, Snohomish County Council reviewed the City's request for expansion of the Urban Growth Area (UGA) and passed Ordinance 14-131 on June 10, 2015 amending the City's UGA to include the subject property; and

**WHEREAS**, on August 4, 2015, the Planning Commission held a public hearing regarding establishment of the enabling zone for the subject area upon annexation to the City and recommended that the Smith Island Municipal Annexation be zoned A-1 RFFD (Agriculture Rural Flood Fringe District) (Exhibit "A"); and

**WHEREAS**, on July 29, 2015 City Council passed Resolution 6882 stating the Council's intent to annex to Everett unincorporated Snohomish County Territory on Smith Island and City Council did conduct a public hearing on September 9, 2015, for the proposed annexation, for which proper notice of hearing was provided; and

**WHEREAS, THE CITY COUNCIL FINDS:**

1. The proposed zoning is consistent with the Everett Comprehensive Plan.

2. The proposed zoning bears a substantial relation to public health, safety or welfare.
3. The proposed zoning promotes the best long-term interests of the Everett community.
4. The area proposed to be zoned A-1 RFFD will be developed for environmental mitigation/restoration consistent with and supporting the uses on adjacent properties and the proposed zoning will not adversely impact adjacent uses.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1: Zoning.** That the Zoning Map of that portion of the City of Everett shown on the map in Exhibit A and legally described below is hereby established as A-1 RFFD (Agriculture Rural Flood Fringe District), amending Exhibit A to Ordinance No. 1671-89(as amended):

**SMITH ISLAND MUNICIPAL ANNEXATION AREA: LEGAL DESCRIPTION**

IT IS THE INTENT OF THIS LEGAL DESCRIPTION TO FOLLOW THE EXISTING CORPORATE CITY LIMITS OF EVERETT. REFERENCES HEREIN ARE MEANT TO CONVEY THAT ALTHOUGH PRESENT RIGHTS OF WAY BOUNDARIES MAY BE DIFFERENT, THE RIGHTS OF WAY BOUNDARIES AT THE TIME OF THE ORIGINAL INCORPORATION AND SUBSEQUENTLY ADOPTED ORDINANCES ARE INTENDED TO BE FOLLOWED SO THAT NO GAP OR OVERLAP EXISTS BETWEEN THIS ANNEXATION AND THE EXISTING CITY LIMITS OF EVERETT.

All that portion of the West Half of the NW Quarter of Section 15, Township 29 North, Range 5 East, W.M. lying west of the MID-CHANNEL of UNION SLOUGH.

Situate in County of Snohomish, State of Washington.

Being an area of approximately 27.35 Acres.

**Section 2: Severability.** Should any section, paragraph, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3: Conflict.** In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

**Section 4: Corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of

scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

**Section5: General Duty.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provisions or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

---

Ray Stephanson, MAYOR

ATTEST:

---

Sharon Fuller, CITY CLERK

Passed: \_\_\_\_\_

Valid: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Exhibit A  
Smith Island Municipal Annexation Area Zoning



